

HOUSE No. 94

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and Steven A. Tolman for legislation to ensure privacy and independence for blind and visually impaired voters. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO SECURE THE RIGHT OF BLIND AND VISUALLY IMPAIRED PEOPLE
TO VOTE UNDER THE SAME CONDITIONS OF PRIVACY AND INDEPENDENCE AS SIGHTED PEOPLE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This Act may be cited as “The Accessible Voting
2 Technology Act of 2003”.

1 SECTION 2. Findings.

2 The legislature makes the following findings:

3 (1) Microchip and digital technologies are increasingly chang-
4 ing the way Americans vote.

5 (2) State and political subdivisions are replacing antiquated
6 voting methods and machines with computer and electronic-based
7 voting systems, but nonvisual access, whether by speech, Braille,
8 or other appropriate means is often overlooked in certifying and
9 purchasing the latest voting technology.

10 (3) Voting technology and systems which allow the voter to
11 access and select information solely through a visual means are a
12 barrier to access by individuals who are blind or visually
13 impaired, thereby discouraging them from exercising the right to
14 vote — the most fundamental right of citizenship in a free and
15 democratic society.

16 (4) Software and hardware adaptations have been created so
17 that voters can interact with voting technology and systems
18 through both visual and nonvisual means allowing blind and visu-
19 ally impaired people to cast a secret ballot and independently
20 verify their vote.

21 (5) In promoting full participation in the electoral process, the
22 goals of the state and its political subdivisions must recognize the
23 incontrovertible right of all citizens regardless of blindness or
24 visual impairment to vote; and

25 (6) This right must include the opportunity for individuals who
26 are blind or visually impaired to cast and verify their ballots inde-
27 pendently.

1 SECTION 3. Definitions.

2 In this Act:

3 (1) The term “access” means the ability to receive, use, select,
4 and manipulate data and operate controls included in voting tech-
5 nology and systems.

6 (2) The term “nonvisual” means synthesized speech, Braille,
7 and other output methods not requiring sight.

1 SECTION 4. Requirements for accessible voting technology
2 and systems.

3 (1) The state chief election officer shall require (by certification
4 or otherwise) that the voting technology and systems used by the
5 state or any political subdivision provide blind and visually
6 impaired individuals with access which is equivalent to that pro-
7 vided to individuals who are not blind or visually impaired,
8 including the ability for the voter to cast and verify all selections
9 made by both visual and nonvisual means.

10 (2) In requiring nonvisual access pursuant to subparagraph 1,
11 the chief election officer shall obtain recommendations from rep-
12 resentatives of blind consumer organizations, experts in accessible
13 software and hardware design, and any other individual or organi-
14 zation the chief election officer determines to be appropriate.

1 SECTION 5. Existing technology and systems.

2 (1) Compliance with this Act in regard to voting technology
3 and systems purchased prior to the effective date of this Act shall
4 be achieved at the time of procurement of an upgrade or replace-
5 ment of the existing equipment or systems.

1 SECTION 6. Action for injunction.

2 (1) A person injured by a violation of this Act may maintain an
3 action for injunctive relief to enforce the terms of this Act.

4 (a) Limitation period for a civil action.—

5 (1) Any such action shall be commenced within four years after
6 the cause of action accrues.

7 (2) For the purposes of this subsection, a cause of action for a
8 continuing violation accrues at the time of the latest violation.

1 SECTION 7. Effective date.

2 This act shall take effect and be in force from the date of enact-
3 ment of this Act.